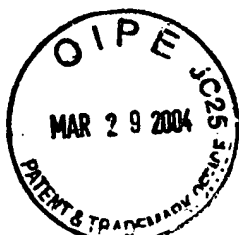


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03500.013975.1



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Mark H. Paschall
NOBUMASA SUZUKI, et al.)
: Group Art Unit: 3742
Application No.: 09/816,359)
: Filed: March 26, 2001)
: For: MICROWAVE APPLICATOR,)
: PLASMA PROCESSING)
: APPARATUS HAVING)
: SAME, AND PLASMA)
: PROCESSING METHOD) March 24, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

APR 02 2004

TECHNOLOGY CENTER R3700

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated February 24, 2004.

Applicant hereby provisionally elects to prosecute the Group I claims, namely Claims 1 to 36 and 47 to 59. The Restriction Requirement is, however, traversed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

March 24, 2004
(Date of Deposit)

Michael K. O'Neill (Reg. No. 32,622)
(Name of Attorney for Applicant)

March 24, 2004
Date of Signature

Traversal is on multiple grounds. First, the Restriction Requirement has failed to show how the inventions in Groups I and II are distinct within any framework of MPEP § 806.05. The Restriction Requirement merely makes a technological distinction that the invention in Group I sets forth the slotted applicators as being offset in a direction parallel to the surface and that Group II is not drawn to an offset structure. However, a technological distinction alone, even if true, does not fit into any category listed at MPEP § 806.05. Accordingly, the Restriction Requirement is traversed for the reason that it makes no showing of “the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct.” See MPEP § 808.

Furthermore, the Restriction Requirement has failed to show that it would be an undue burden to examine both groups of claims. The Restriction Requirement indicates that Groups I and II fall under different subclassifications. In this regard, subclass 692 is a double indented class under subclass 690. Thus, the classes and subclasses listed in the Restriction Requirement actually emphasize the relatedness of the inventions, and do not support an assertion of distinctiveness. It is therefore respectfully submitted that the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination. Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,


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